

PUBLIC SECTOR PENSION SCHEMES (INTERNAL DISPUTE RESOLUTION PROCEDURES)

This document is an informal consolidated version of the Public Sector Pension Schemes (Internal Dispute Resolution Procedures) Regulations and includes amendments up to and including 14 December 2021.

The amendments have been incorporated into the original Regulations by the Public Sector Pensions Authority in order to provide a single document for ease of reference.

Please note that these consolidated Regulations are for information only and should not be relied upon as a definitive statement of the Regulations. The original and amending Statutory Documents can be found on the PSPA website at www.pspa.im

The Public Sector Pension Schemes (Internal Dispute Resolution Procedures) Regulations 2012 (SD 1085/2011) were made by the Public Sector Pensions Authority on 8 February 2012 and approved by Tynwald on 20 March 2012 under section 13 of the Public Sector Pensions Act 2011.

The following amendments have subsequently been made by the Public Sector Pensions Authority under Section 13 of the Public Sector Pensions Act 2011.

SD Number	Amendment	Approved
2021/0306	Public Sector Pension Schemes (Internal Dispute Resolution Procedures) (Amendment) Regulations 2021	14 December 2021

**PUBLIC SECTOR PENSION SCHEMES (INTERNAL
DISPUTE RESOLUTION PROCEDURES)
REGULATIONS 2012**

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Statutory Document No. 1085/2011

Public Sector Pensions Act 2011

PUBLIC SECTOR PENSION SCHEMES (INTERNAL DISPUTE RESOLUTION PROCEDURES) REGULATIONS 2012

Approved by Tynwald: 20 March 2012
Coming into Operation: 8 February 2012

The Public Sector Pensions Authority makes the following Regulations under section 13 of the Public Sector Pensions Act 2011.

1 Title

These Regulations are the Public Sector Pension Schemes (Internal Dispute Resolution Procedures) Regulations 2012¹.

2 Commencement

These Regulations come into operation on 8 February 2012².

3 Interpretation

In these Regulations —

“**the Act**” means the Public Sector Pensions Act 2011;

“**the PSPA**” means the Public Sector Pensions Authority;

“**scheme**” means a scheme within the meaning of section 4 of the Public Sector Pensions Act 2011; and

“**prospective member**” means a person who, under the terms of his or her contract of service, terms and conditions of service or the scheme rules—

- (a) is able, at his or her own option, to become a member of the scheme;
- (b) will become so able if he or she continues in the same employment for a sufficiently long period;
- (c) will be admitted to it automatically unless he or she makes an election not to become a member; or
- (d) may be admitted to it subject to the consent of his or her employer.

¹ 2011 c.18

² As required by section 15 (1) of the Public Sector Pensions Act 2011.

4 Meaning of “persons with an interest in the scheme” and “complainant”

- (1) For the purposes of section 13(1) of the Act and of these Regulations, the persons with an interest in the scheme are —
 - (a) the active, deferred, pension credit and pensioner members of the scheme;
 - (b) a widow, widower or surviving dependant of a deceased member of the scheme;
 - (c) prospective members of the scheme;
 - (d) any other person who is absolutely, or contingently entitled to benefit, whether immediate or prospectively, under a scheme;
 - (e) persons who ceased to be within any of the categories of persons referred to in subparagraphs (a) to (d) above within the six months immediately preceding the date of an application under regulation 6 of these Regulations; and
 - (f) where there is a dispute which relates to a question whether a person who claims to be such a person as is mentioned in subparagraphs (a) to (e) above is such a person, the person so claiming.
- (2) For the purposes of section 13 (1) of the Act (resolution of such disputes relating to a scheme) and of these Regulations, a complainant is a person referred to in paragraph (1)(a) to (f) above.

5 Representation

- (1) An application under arrangements required by section 13 of the Act may be made or continued on behalf of a complainant by a personal representative (in such a form as the PSPA requires or enables).
- (2) Where a complainant dies or is a minor or is otherwise unable or unwilling to act for himself or herself, an application may be made or continued on his or her behalf by his or her personal representative.

6 Application for a decision

- (1) An application for a decision under arrangements required by section 13 (3) of the Act shall set out particulars of the dispute in respect of which a decision is sought.
- (2) The particulars shall include—
 - (a) where the complainant is a person described in either regulation 4(1)(a), «(c), (d) or (e) or a person claiming to be such under regulation 4(1)(f), the full name, address, date of birth and the national insurance number of the complainant;
 - (b) where the complainant is a person described in regulation 4(1)(b), or a person claiming to be such under regulation 4(1)(f), the full

- name, address and date of birth of the complainant, a statement otherwise identifying the person as a “person with an interest in the scheme” within the meaning of Regulation 4;
- (c) the full name and address of any representative acting on behalf of the complainant and whether such address is the address to be used for service on the complainant of any documents in connection with the dispute;
 - (d) a statement as to the nature of the dispute with sufficient details to show why the complainant is aggrieved.
- (3) The application shall be signed and dated by or on behalf of the complainant.

7 Notice of a decision

- (1) Subject to sub-paragraph (3), a decision on the matters raised by an application under regulation 4 shall be issued to an individual specified by the PSPA to investigate such disputes to the complainant and, where applicable, his or her representative by notice in writing within three months from the date on which the particulars specified in regulation 6(2) were received.
- (2) The notice shall include—
 - (a) a statement of the decision;
 - (b) a reference to any legislation relied upon;
 - (c) a reference to such parts of any scheme rules relied upon and, where a discretion has been exercised, a reference to such parts of the scheme rules by which such discretion is conferred; and
 - (d) a reference to the complainant’s right to refer the dispute for reconsideration by the PSPA within the time limit described in regulation 8(1).
- (3) If, in any case, written notice of a decision under section 13(5)(b) of the Act is not issued within three months from the date on which particulars of the dispute were received, an interim reply must be sent to the complainant (or his or her personal representative) setting out the reasons for the delay and an expected date for issuing the decision.

8 Referral of dispute to the PSPA

- (1) An application to the PSPA to reconsider a dispute in respect of which a decision referred to in regulation 7 has been made may be made within six months from the date of the notice of the decision and shall set out particulars of the grounds on which the application is made.
- (2) The particulars shall include—
 - (a) the matters referred to in regulation 6 (2)(a) to (d);

- (b) a copy of the notice of the decision made under section 13(5)(b) of the Act;
 - (c) a statement of the reasons why the complainant is dissatisfied with the decision made under section 13(5)(b) of the Act; and
 - (d) a statement that the complainant wishes the dispute to be reconsidered by the PSPA.
- (3) The application shall be signed and dated by or on behalf of the complainant.

9 Notice of decision from the PSPA

- (1) Subject to paragraph (3), the PSPA shall issue to the complainant or, where applicable, his or her representative a notice in writing of their decision on the matters raised under regulation 8 within three months from the date on which the particulars specified in regulation 6(2) were received by them.
- (2) The notice shall include—
- (a) a statement of the decision and an explanation as to whether and, if so, to what extent that decision either confirms or replaces the decision made under section 13(5)(b) of the Act;
 - (b) a reference to any legislation relied upon;
 - (c) a reference to such parts of any scheme rules relied upon and, where a discretion has been exercised, a reference to such parts of the scheme rules by which such discretion is conferred;
 - (d) Omitted; and
 - (e) a statement that the Pensions Ombudsman appointed under the Pension Schemes Act 1993 (Application) Order 1995³ may investigate and determine any complaint or dispute of fact or law in relation to a scheme made or referred in accordance with that Act and the address at which he may be contacted;
 - (f) a statement that the Tynwald Commissioner for Administration appointed under the Tynwald Commissioners Act 2011 may investigate any complaint referred in accordance with that Act and the address at which he or she may be contacted.
- (3) If, in any case, written notice of a decision under section 13(5)(b) of the Act is not issued within three months from the date on which particulars of the dispute were received under regulation 8, an interim reply must be sent to the complainant immediately after the expiry of three months from receipt of the particulars of the dispute or, where applicable, his or her representative setting out the reasons for the delay and an expected date for issuing the decision.

³ Paragraph 145 of Section X of the Schedule to SD531/95

10 Exempted disputes

The requirements of section 13(1) of the Act shall not apply to a dispute if, in respect of that dispute—

- (a) proceedings have been begun in any court or tribunal;
- (b) the Pensions Ombudsman or the Tynwald Commissioner for Administration has commenced an investigation into a complaint made or dispute referred to him; or
- (c) a notice of appeal has been issued by the complainant under the provisions set out in Schedule 1 to these Regulations.

SCHEDULE 1

(Paragraph 10)

EXEMPTED DISPUTES

These Regulations do not apply to a dispute if, in respect of that dispute a notice of appeal has been issued by the complainant under —

- (1) Regulation H2 of the Police Pensions Regulations 1987 (appeal to board of medical referees) as it has effect in the Isle of Man;
- (2) Regulation 31 of the Police (Injury Benefit) Regulations 2006 (appeal to board of medical referees) as it has effect in the Isle of Man;
- (3) Where the PSPA has made arrangements in respect of those functions under Rule 6.14 of the Public Sector Injury Benefit Scheme 2015 that relate to appeals, to be discharged by a person or authority specified in Rule 6.15 of the 2015 Scheme;
- (4) Regulation 72 of the Police Pensions Regulations 2006 (appeal to board of medical referees) as it has effect in the Isle of Man.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations put in place the requirements for the Internal Disputes Resolution Procedures for Public Sector Schemes for which the Public Sector Pensions Authority has responsibility. These Regulations are a requirement of Section 13 of the Public Sector Pensions Act 2011.

- Regulation 1 provides for the title of the regulations.
- Regulation 2 set out when these regulations shall have effect.
- Regulation 3 sets out the definitions of certain terms used within the Regulations.
- Regulations 4 provides a detailed definition of who may be considered as having an interest in a scheme, and thereby a recognised complainant in relation to these Regulations.
- Regulation 5 makes provision so as to enable a representative to act on behalf of the complainant.
- Regulations 6 to 9 make provision as to the manner in which applications are to be made and decisions given.
- Regulation 10 makes provision for the arrangements made for the resolution of disputes not to apply in certain cases.